

## PROPOSED AMENDMENTS TO 310 CMR 7.02 TO IMPLEMENT THE RECOMMENDATIONS FROM THE PERMIT STREAMLINING STUDY

### AMEND 310 CMR 7.00 by adding

**12-Month Period** means a consecutive rolling 12-month period over which emissions are calculated for the purpose described by the regulatory section in which this phrase appears. In most cases, a consecutive rolling 12-month period is used to determine applicability for plan approval and to determine compliance with emission limitations. A rolling 12 month period is calculated monthly starting with the month just ended and counting back 12 months (e.g. January, through December, February through the following January, March through the following February, etc)

#### Amend 310 CMR 7.02(4)(a)1.

1. Emission increase of less than ~~five~~ ten tons per year Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than one ton per year and less than ~~five~~ ten tons per year, calculated over any consecutive 12 month time period.

#### Amend 310 CMR 7.02(4)(a)3.a.

a. The planned construction, substantial reconstruction, alteration or subsequent operation would increase potential emissions by equal to or greater than one ton per year but less than ~~five~~ ten tons per year above emission limitations established by an existing plan approval.

#### Amend 310 CMR 7.02(5)(a)1.

1. Emission increase greater than or equal to ~~five~~ ten tons per year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than ~~five~~ ten tons per year, calculated over any consecutive 12 month time period.

#### Amend 310 CMR 7.02(5)(a)6.

6. Aggregated *De Minimis* Emission Increases Any facility where the sum of the incremental changes (less than one ton each) in potential to emit ~~in any calendar year calculated over any consecutive 12 month time period~~ equals or exceeds ~~five~~ ten tons for any single criteria pollutant or any single non-criteria pollutant. (see 310 CMR 7.02(6))

#### Amend 310 CMR 7.02(5)(a)8.

8. Modification of Plan Approval Conditions. Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00 that requires a modification to a condition of any plan approval issued by the Department due to an increase in potential emissions equal to or greater than ~~five~~ ten tons per year (~~as calculated in~~ over any consecutive 12 month time period), over the emission limitation established by plan approval. The increase in potential emissions shall be calculated in accordance with 310 CMR 7.02(5)(b).

#### Amend 310 CMR 7.02(6)(a)1.

1. Any person who owns or operates a facility shall track emission increases as defined below ~~on a calendar year basis~~ over any consecutive 12 month time period in order to determine if plan approval is required pursuant to 310 CMR 7.02(5)(a) 6.

#### Amend 310 CMR 7.02(8)(a) 2. Emission Limitations in Plan Approvals

2. Best Available Control Technology (BACT). BACT is required of all LPA approvals and CPA approvals. In no case will BACT be less stringent than any applicable emissions limitation contained in a Department regulation (e.g., 310 CMR 7.05, 7.18, 7.19, ~~and~~ 7.24, 7.26 and/or 7.29) or federal regulation (e.g., 40 CFR 60, ~~61 and~~ 63). BACT may include a design feature, equipment specification, work practice, operating standard or combination thereof. (See

- Definition of BACT in 310 CMR 7.00). Applicants for a CPA approval or LPA approval may identify BACT for their specific application by using one or more of the following approaches:
- a. Conduct a Top-Down BACT analysis. A top-down BACT analysis shall be conducted in accordance with guidance provided by the Department.
  - b. Propose Top-Case BACT. Top-Case BACT is a level of control approved by the Department in a previous plan approval or through other means and that the Department determines is appropriate for the proposed equipment or operation.
  - c. Propose BACT as a combination of best management practices, pollution prevention, a limitation on the hours of operation and/or raw material usage. This approach is only available if the LPA or CPA approval is for proposed allowable emissions, calculated over any consecutive 12 month time period, of:
    - i. Less than 18 tons VOC and HOC combined, or
    - ii. Less than 18 tons of total organic material HAP and less than 10 tons of a single organic material HAP, or
    - v. Less than 10 tons of a single organic material HAP.
  - d. 7.02(8)(a)2. a through c. above are advisory. The approaches listed are not meant to be exclusive, nor to bind the applicant or the Department in determining BACT for any given plan approval application

**Amend 310 CMR 7.02(8)(a) by adding:**

7. Plan Approvals to Abate Violations of 310 CMR 7.01(1). If an applicant is required by the Department (or otherwise submits) an application for a plan approval under 310 CMR 7.02 in order to abate a violation (or potential violation) of 310 CMR 7.01(1), any emission limitation required in such plan approval shall be sufficient to abate said violation, even if said emission limitation is more stringent than an emission limitation that would otherwise be determined to be BACT.

**Add 310 CMR 7.02(12) Consolidation of Existing Plan Approvals**

(12) Administrative Consolidation of Existing Plan Approvals

- (a) General. Any person who owns, leases, operates or controls a facility may apply to the Department to consolidate multiple existing plan approvals at a single facility into a single plan approval. The purpose is to combine all of the applicable requirements of previous plan approvals into a single plan approval and thereby streamline the emission limitations, monitoring, emission testing, recordkeeping and reporting and other requirements as contained in a facility's existing plan approval(s). The provisions of 310 CMR 7.02(12) shall not apply when the consolidation request is associated with construction, substantial reconstruction or alteration at the facility subject to 310 CMR 7.02(4) or 310 CMR 7.02(5).
- (b) The term "existing plan approvals" means a series of plan approvals previously issued by the Department pursuant to 310 CMR 7.02 at a single, existing facility.
- (c) Application Requirements. Any person who owns, leases, operates or controls a facility and meets the eligibility requirement of 7.08(12)(a), may apply to consolidate existing plan approvals as follows:
  1. The application shall be made on form(s) obtained from the Department or by other means prescribed by the Department.
  2. The application shall be submitted in duplicate and signed by a responsible official.
  3. The application shall contain, but not be limited to, the following information:
    - a. A side-by-side comparison of all requirements included in the consolidation proposal that are currently contained in plan approvals issued for the specific emissions units of the facility;
    - b. A determination of the most stringent emission limitations and/or performance standard and provide the documentation relied upon to make this determination;
    - c. A set of proposed terms and conditions to include the most stringent emissions limitations and/or standards, appropriate monitoring and its associated recordkeeping

and reporting, and such other proposed conditions as are necessary to assure compliance with all applicable requirements; and

d. A proposed compliance schedule to implement any new monitoring/compliance approach relevant to a consolidated plan approval if the owner/operator of the facility required additional time to implement streamlined terms and conditions. The recordkeeping, monitoring, and reporting requirements of the applicable requirements of the existing plan approvals shall continue to apply (as will the requirement for the facility to operate in compliance with each of its existing plan approvals) until the consolidated plan approval is issued.

(c) Form of Approval. Any consolidated plan approval issued by the Department shall be in writing.

(d) Conditions of Approval. A consolidated plan approval issued by the Department shall include:

1. Some combination of production and/or operational limitations to ensure that emissions are limited by quantifiable and enforceable means. Operational limitations may include control equipment.
2. Emissions limitations, and control requirements that are at least as stringent as the applicable limitations and requirements in the existing plan approvals.
3. A requirement to maintain records and conduct monitoring sufficient to demonstrate that emissions and other applicable limitations have not exceeded those allowed by the consolidated plan approval;
4. Reporting on a schedule as determined by the Department; and
5. Other conditions as necessary based on the existing plan approvals.

### **Add 310 CMR 7.02(13)- Administrative Amendments to Plan Approvals**

(13) Administrative Amendments to Existing Plan Approvals

(a) Administrative amendments to existing plan approvals issued pursuant to 310 CMR 7.02(4), 310 CMR 7.02(5) or 310 CMR 7.00, Appendix A are required for the following:

1. A change in the business name, facility name, mailing address, telephone number or name of the facility contact; or
2. A change in the ownership of the facility or the equipment that is subject to the plan approval; or
3. An increase in the frequency of recordkeeping, monitoring, reporting or testing above that previously specified in the plan approval; or
4. Where the Department or the person who owns, operates or controls the facility determines that the plan approval has typographical errors; or other changes the Department determines are necessary for the effective administration of the Commonwealth's air pollution control program.

(b) Notification of an Administrative Amendment to a plan approval(s) shall be submitted to the Department within 60 days of the effective date of the change

1. Notification shall be made to the Department on a form obtained from the Department.
2. The Department will notify the facility of the Department's acceptance or rejection of the Administrative Amendment within 15 days of receipt.

(c) Should the Department find it necessary to revise an existing plan approval for the purpose of making an administrative amendment, the Department shall notify the owner/operator of the facility prior to reissuing the approval.

(d). Exception. In lieu of complying with 310 CMR 7.02(13)(a) 1 through 3, a facility for which a final operating permit has been issued by the Department in accordance with the provisions of 310 CMR 7.00 Appendix C, shall comply with the Administrative Amendment procedures contained in 310 CMR 7.00 Appendix C (8).

### **Add 310 CMR 7.03(26)- Rock Crushing and Processing Operations - Existing Equipment Replacement**

- (a) Applicability On and after (effective date), 310 CMR 7.03(26) shall apply to the replacement of equipment at existing rock crushing and processing operations that have received a written plan approval from the Department under the provisions of 310 CMR 7.02.
- (b) Definitions When used in 310 CMR 7.03(26) the following terms shall mean:
  - 1. Conveying Systems means a device for transporting materials from one piece of equipment or location to another piece of equipment or location.
  - 2. Crusher means a machine used to crush nonmetallic minerals into smaller pieces, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.
  - 3. Dust Suppression System means a water spray system designed to minimize fugitive emissions throughout the rock crushing and processing operation.
  - 4. Rock Crushing and Processing Equipment means a combination of equipment that is used to crush and sort nonmetallic minerals and including, but not limited to, crushing devices, screens, conveyors, dust suppression systems, feeders, and wash systems.
  - 5. Screening Operation means a device for separating material according to size by passing undersized material through one or more mesh surfaces (screens) in series, and retaining oversized material on the mesh surfaces.
- (c) Equipment Replacement In lieu of compliance with the provisions of 310 CMR 7.02(4) or 310 CMR 7.02(5), an owner or operator may replace rock crushing and processing equipment under the provisions of 310 CMR 7.03(26) provided that:
  - 1. The rock crushing and processing equipment was previously approved by the Department in writing under the provisions of 310 CMR 7.02 and said approval is valid at the time of equipment replacement, and
  - 2. Equipment replacement will not increase overall processing capacity or emissions (including noise) from the rock crushing and processing operation, and
  - 3. The owner or operator complies with the provisions of 310 CMR 7.03(26) in its entirety, and
  - 4. The rock crushing and processing operation shall be equipped with a dust suppression system that will limit opacity to less than 10% at all time, and
  - 5. The rock crushing and processing operation will be operated in accordance with all applicable conditions and limitations contained in the Department's plan approval for the original equipment.
- (d) Testing Within seven days of recommencement of operation after completion of equipment replacement, visible emission observations shall be conducted for the rock crushing and processing operations in accordance with 40 CFR 60 Appendix A Method 9 to verify compliance with 310 CMR 7.03(26)(c)3. above.
- (e) Record Keeping. Records documenting any equipment replacement as provided in 310 CMR 7.03(26) and of visible emission observations as required by 310 CMR 7.03(26)(d) shall be maintained on-site in accordance with the provisions of 310 CMR 7.03(6).
- (f) Reporting. Replacement of equipment shall be reported to the Department in accordance with the provisions of 310 CMR 7.03(5).
- (g) Duty to Comply. Compliance with the provisions of 310 CMR 7.03(26) does not obviate the need to comply with 40 CFR 60 Subpart OOO if applicable.